

**HOME OCCUPATION AMENDMENTS-2010**  
**A PROPOSED AMENDMENT TO THE BUILDING & LAND USE ORDINANCE**  
**FOR CONSIDERATION AT TOWN MEETING ON APRIL 7, 2010**

A new section – Section 14 – entitled “HOME OCCUPATIONS” – will replace existing Sections. Subsequent sections should be renumbered accordingly. (Commercial and Industrial Uses will become Section 15, etc.).

**A. Purpose:**

*The purpose of this section is to ensure that business uses in Lamoine are conducted safely and in a manner compatible with the residential nature of the surrounding neighborhood. More intensive commercial uses than those described in this section require a Commercial or Industrial permit. (See Section 15.)*

**B. Definition:**

A Home Occupation is a business, profession, occupation or trade undertaken for gain or profit which: a) is clearly incidental and secondary to the use of the dwelling unit for residential purposes: b) is wholly carried on within a dwelling unit or other structure accessory to a dwelling unit: and c) utilizes no more than fifty (50) percent of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) up to a limit of 1,500 square feet.

**C. General Requirements:**

1. Home Occupations conducted only by family members do not require a permit
2. Home Occupations employing no more than one full time equivalent employee at any one time, other than residents of the home, are required to complete an application and secure a permit from the Code Enforcement Officer.
3. All Home Occupations, whether requiring a permit or not, are subject to the review criteria (see D below).
4. If more than one full time equivalent employee other than residents of the home are employed at any one time, a Commercial or Industrial use permit must be obtained
5. All licensed Day Care Centers must apply for a permit.

**D. Review Criteria:**

1. Exterior effects. Any exterior display, exterior storage of equipment or materials and other exterior indication of a Home Occupation must be in keeping with the residential nature of the neighborhood. A sign is permitted if in conformance with Section 15 F 16 of this ordinance. However, outdoor activity areas are allowed for home child day care providers and home adult day service programs.
2. Nuisances. A home occupation must not generate any noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference or other effects such that levels common to a residential are exceeded beyond the property lines or beyond the walls of the dwelling unit if the unit is part of a multifamily dwelling.

3. **Traffic.** The level of vehicular traffic generated by a home occupation must not significantly exceed that generated by a residence, except for home child day care providers or home adult day service programs.
4. **Parking.** Adequate off-street parking must be provided for vehicles of employees and other visitors of the home occupation during peak operating hours.
5. **Hazardous wastes.** A home occupation must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP rules, Section 3(A)(5)(d)(vii) if applicable.

## **DEFINITION**

**BLUO, Pg. 59.** Replace the existing definition of Home Occupation with the following:

**Home Occupation:** is a business, profession, occupation or trade undertaken for gain or profit which:  
a) is clearly incidental and secondary to the use of the dwelling unit for residential purposes: b) is wholly carried on within a dwelling unit or other structure(s) accessory to a dwelling unit: and: d) utilizes no more than fifty (50) percent of the dwelling unit or of the total combined floor area of the dwelling unit and accessory structure(s) up to a limit of 1,500 square feet.